

City Council Introduction: **Monday**, June 4, 2001
Public Hearing: **Monday**, June 11, 2001, at **1:30 p.m.**

Bill No. 01R-138

FACTSHEET

TITLE: **WAIVER OF DESIGN STANDARDS NO. 01003**, requested by the Director of Parks & Recreation, to waive the dedication of an additional 17' of right-of-way along Fairview Cemetery (along Adams Street to the west of North 84th Street).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/16/01
Administrative Action: 05/16/01

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (9-0: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer voting 'yes').

FINDINGS OF FACT:

1. The Planning staff recommendation to approve this waiver request is based upon the following analysis:
 - A. This is a request for a waiver of design standards to waive the dedication of an additional 17' right-of-way along Fairview Cemetery at N. 84th and Adams Streets.
 - B. The request for the additional right-of-way came up during the review of Fairview Cemetery 2nd Addition Administrative Final Plat.
 - C. Adams Street is classified as a minor arterial in the Comprehensive Plan. A 50' right-of-way to the north of the center line is required.
 - D. Presently, a 33' right-of-way is provided north of the center line.
 - E. Parks and Recreation Department indicates that two rows of pine trees, approximately 20' apart, are located along the south boundary of Fairview Cemetery. Between the two rows of trees are an unspecified number of unidentified graves. The dedication of the 17' right-of-way will place the graves within the right-of-way, and will cause the removal of the southerly row of trees.
 - F. Public Works and Utilities Department indicates that to remove the unidentified graves and the row of evergreen trees to accomplish this requirement of the 50' right-of-way is not necessary at this time. Public Works supports the proposed waiver.
2. On May 16, 2001, this application was removed from the Planning Commission Consent Agenda by Commissioner Schwinn and had separate public hearing. The discussion with staff is found on p.4.
3. There was no testimony in opposition.
4. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 21, 2001

REVIEWED BY: _____

DATE: May 21, 2001

REFERENCE NUMBER: FS\CC\FSW01003

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #01003

DATE: May 2, 2001

PROPOSAL: Requested by the Director of Parks and Recreation Department for a Waiver of Design Standards to waive the additional 17' right-of-way along Adams Street to the west of N. 84th Street.

GENERAL INFORMATION:

APPLICANT: Lynn Johnson

Director of Parks and Recreation Department
City of Lincoln

CONTACT: Same

LEGAL DESCRIPTION: A portion of Lot 1, Fairview Cemetery 1st Addition, located in the SE 1/4 of Section 10, T10N, R7E, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: P, Public Use District

EXISTING LAND USE: Part of the Fairview Cemetery.

SURROUNDING LAND USE AND ZONING: Mahoney Park to the north and west zoned P, North Forty Golf Course to the south zoned AG, and some single family dwellings and undeveloped farm land to the east zoned AG.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as Public and semi-public in the 1994 Lincoln-Lancaster County Comprehensive Plan.

HISTORY: Changed from AA Rural to P Public Use District during the **1979** Zoning Update.

ANALYSIS:

2. This is a request for a waiver of design standards to waive the dedication of an additional 17' right-of-way along Fairview Cemetery at N. 84th and Adams Streets.
3. The request for the additional right-of-way came up during the review of Fairview Cemetery 2nd Addition Administrative Final Plat.
4. Adams street is classified as a minor arterial in the Comprehensive Plan. A 50' right-of-way to the north of the center line is required.
5. Presently, a 33' right-of-way is provided north of the center line.

6. Parks and Recreation Department indicates that two rows of pine trees, approximately 20' apart, are located along the south boundary of Fairview Cemetery. Between the two rows of trees are an unspecified number of unidentified graves. The dedication of the 17' right-of-way will place the graves within the right-of-way, and will cause the removal of the southerly row of trees.
7. Public Works and Utilities Department indicates that to remove the unidentified graves and the row of evergreen trees to accomplish this requirement of the 50' right-of-way is not necessary at this time. Public Works supports the proposed waiver.

STAFF RECOMMENDATION:

Approval

Prepared by:

Ching-Yun Liang
Planner

WAIVER OF DESIGN STANDARDS NO. 01003

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 16, 2001

Members present: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer.

Planning staff recommendation: Approval.

This application was removed from the Consent Agenda at the request of Commissioner Schwinn and had separate public hearing.

Schwinn commented that obviously, Adams Street currently has 66' of right-of-way and as development occurs to the east and along the 84th Street corridor, it will probably be upgraded to a main arterial at some time in the future. In light of preserving these corridors, Schwinn finds it interesting that the city is giving 17' away. Ray Hill of Planning staff explained that it is a question of moving grades in the area that will be dedicated to the city. When it comes time when a development does or does not occur on the south side and we start asking that landowner to dedicate more property to create 5-lane intersections, Schwinn asked whether the record will reflect that the city has already given away 17' of land. Hill did not know how that would be reflected in any new development. That issue cannot be addressed until we know what the development to the south might be--the traffic issues, etc. Staff believes this waiver is appropriate because of the existing grades and the cemetery.

Schwinn wondered how the city will get back to the 100' right-of-way when it is needed.

There was no testimony in opposition.

Public hearing was closed.

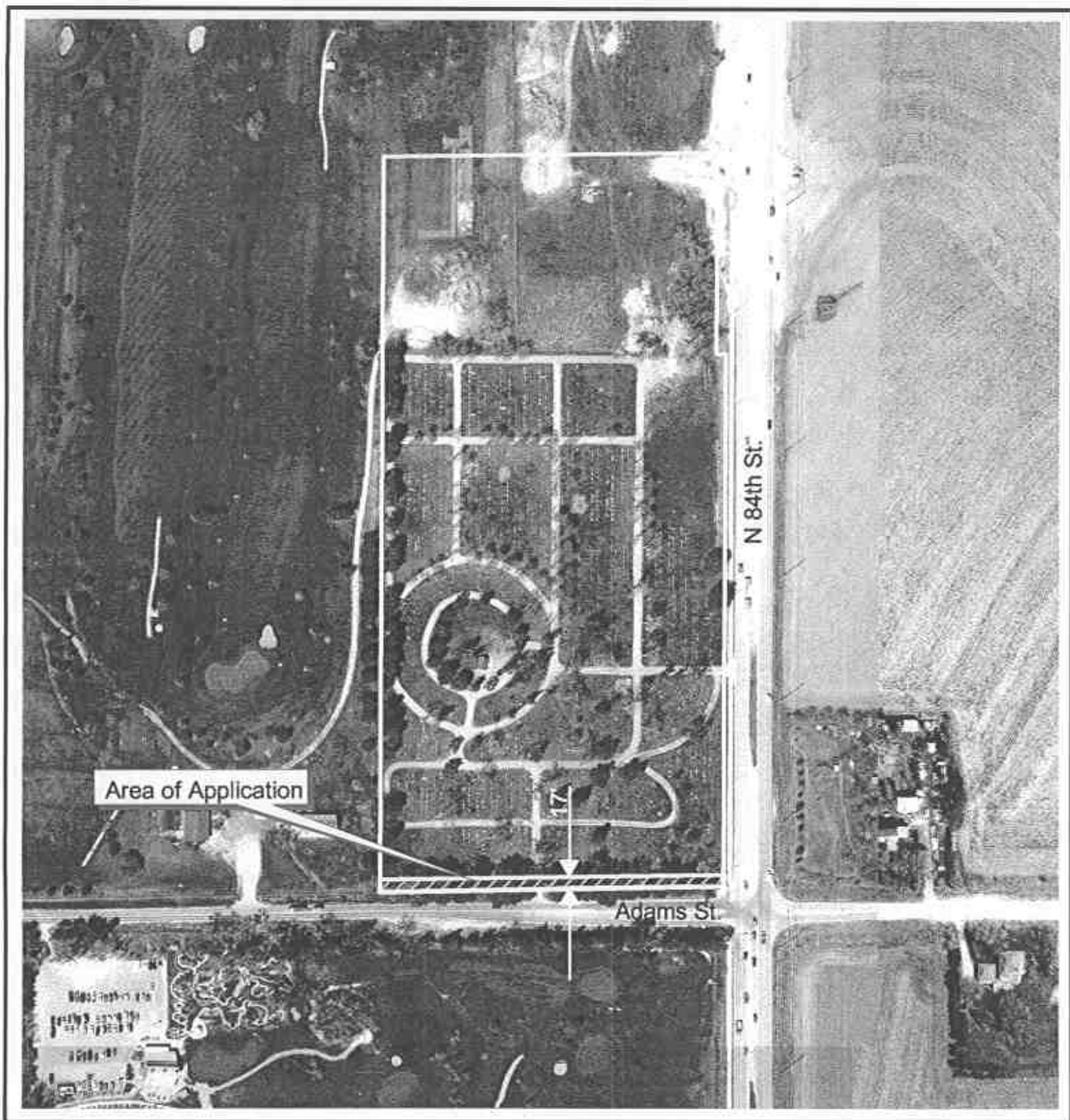
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 16, 2001

Duvall moved approval, seconded by Steward.

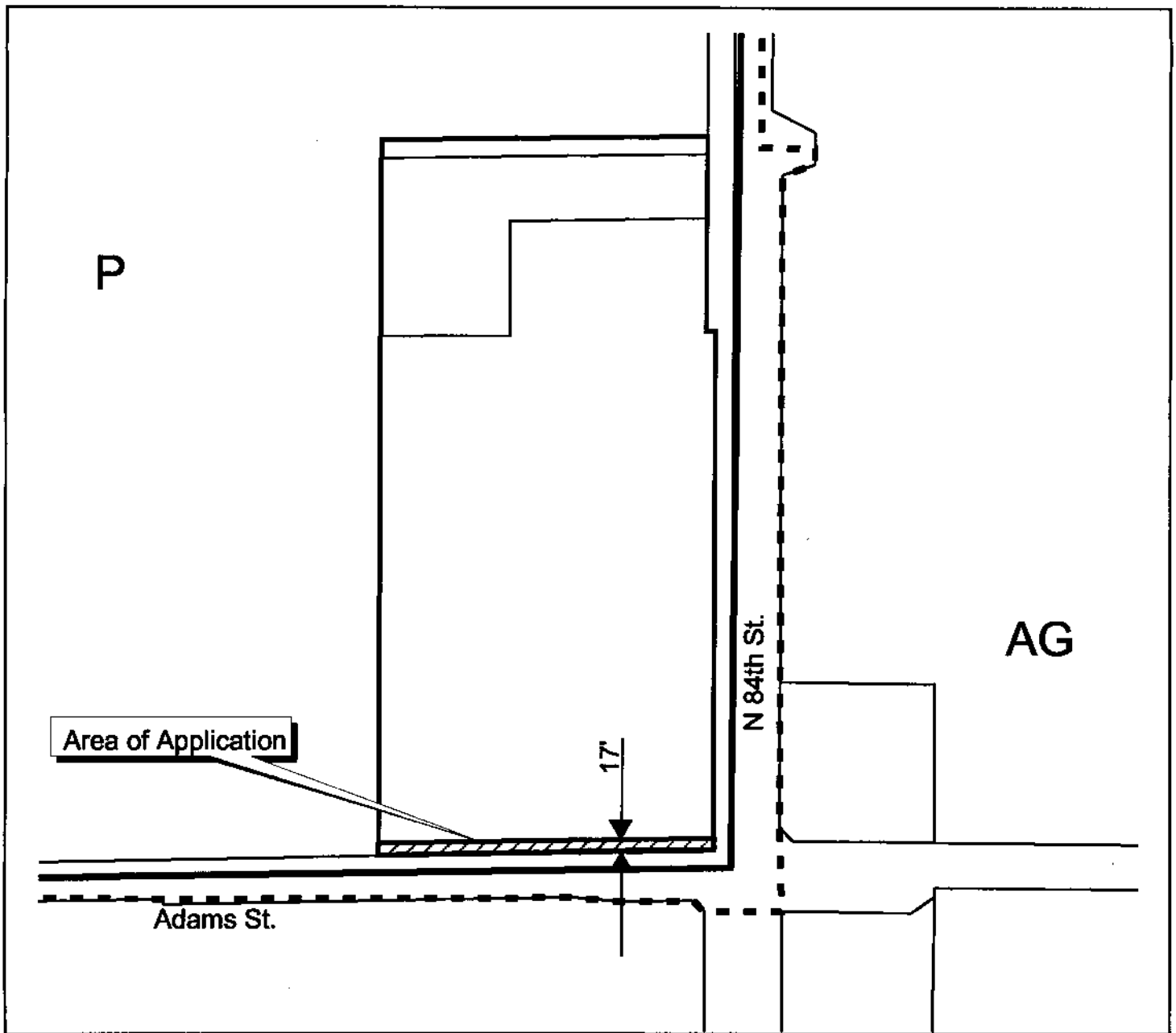
Steward suggested that it might very well be that we just narrow the street down and slow the traffic down at a cemetery. There are other alternatives than 5 lanes.

Motion for approval carried 9-0: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer voting 'yes'.



Waiver of Design Standards #01003 **84th & Adams**



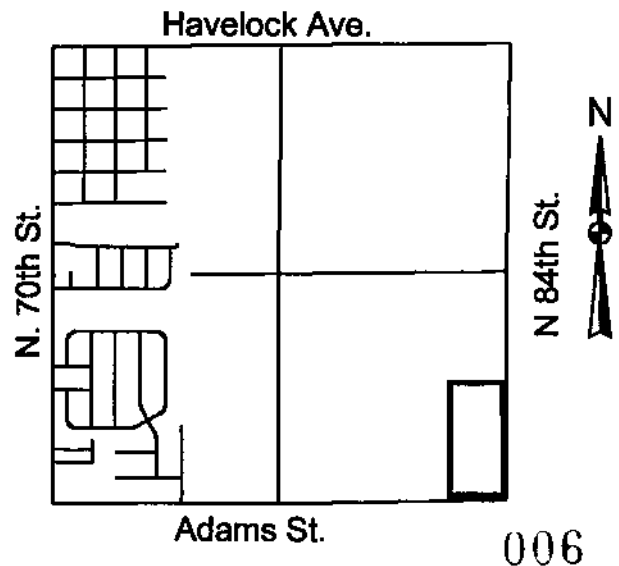
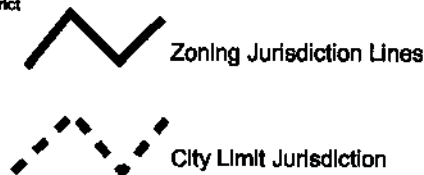


Waiver of Design Standards #01003 84th & Adams

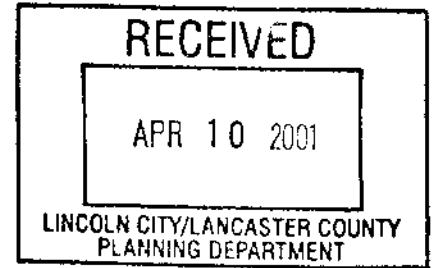
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 10 T10N R7E



Memo



To: Ray Hill, Planning ✓
From: Lynn Johnson, Parks and Recreation
CC: J. J. Yost
Date: 4/9/01
Re: Fairview Cemetery Plat

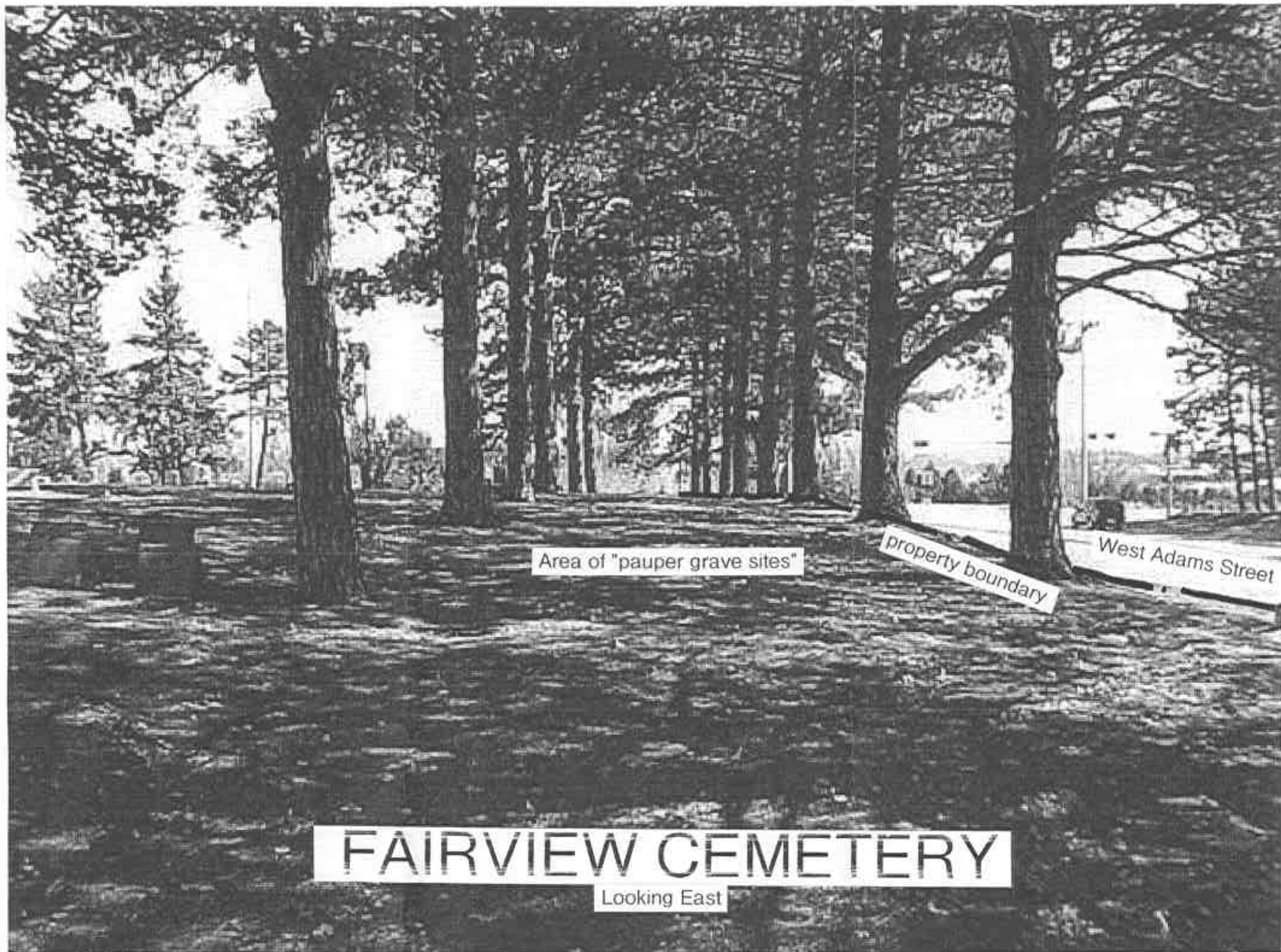
Lynn Johnson

As you know, Parks and Recreation has submitted an application for a final plat consolidating property proposed to be declared surplus property by the City with the remaining area of Fairview Cemetery. The consolidated parcel will have frontage on North 84th Street and Adams Street. It is my understanding that the Public Works Department has requested that additional land be dedicated on the north side of Adams along the frontage of the Cemetery parcel. At present there is 33 feet of right of way north of the centerline of the right of way. The centerline of the paving is located 10 feet south of the centerline of the right of way. There are two rows of pines along the southern boundary of Fairview Cemetery. It appears that the property line is approximately at the base of the southern row of pines. The rows of trees are approximately 20 feet apart. Dedication of an additional 17 feet of right of way would place the property boundary at approximately the base of the second row (northerly row) of pines.

It is my understanding from talking with Mike Hutchinson, Wyuka Cemetery, that there are an unspecified number of unmarked graves located between the two rows of pines. This area apparently was historically used as a location for "pauper graves". Thus it appears that dedication of additional right of way along the south boundary of Fairview Cemetery would place gravesites within the public right of way. The purpose of this letter is to request that a waiver be granted from the requirement to dedicate additional right of way for West Adams Street.

Please phone me at 441-8265 with questions or comments. Thanks for your assistance.

Attachment: Map outlining south end of Fairview Cemetery



Area of "pauper grave sites"

property boundary

West Adams Street

FAIRVIEW CEMETERY

Looking East

Memorandum

To: Kay Liang, Planning Department
From: Charles W. Baker, Public Works and Utilities *Buff*
Subject: Waiver of Design Standards #01003, Fairview Cemetery ROW¹
Date: April 27, 2001
cc: Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan and concur with Lynn Johnson's letter supporting the waiver for not requiring additional right-of-way along Fairview Cemetery at 84th and Adams Streets. The moving of the numerous 'Pauper's Graves' and the row of evergreen trees to accomplish the requirement of the 50' right-of-way is not necessary at this time, and Public Works will also support the proposed waiver.